

Common Cause v. Lewis

Summary of Rulings on Motions from July 10, 2019 Hearings

(Written orders will be filed memorializing this summary)

1. Plaintiffs' motion in limine to preclude legislative defendants from offering evidence or argument relating to the Voting Rights Act is DENIED but objection may be reasserted by plaintiffs if such evidence is proffered.
2. Plaintiffs' motion in limine to preclude legislative and intervenor defendants from introducing expert testimony not produced in their expert reports is DENIED in part and GRANTED in part, as follows:
 - a. Plaintiffs' motion is denied as to Legislative Defendants' Trial Exhibits 024-1 through 024-13 (affidavit and exhibits by Ms. Churchill).
 - b. Plaintiffs' motion is denied as to Legislative Defendants' Trial Exhibits 025-8 through 025-79 and granted as to Legislative Defendants' Trial Exhibits 025-81 through 025-397 (exhibits of GIS maps created by Mr. Myers).
 - c. Plaintiffs' motion is granted as to Legislative Defendants' Trial Exhibits 141 through 144 (exhibits created by Dr. Hood).
 - d. Plaintiffs' motion is granted as to Legislative Defendants' Trial Exhibits 170 and 171 (exhibits created by Dr. Thornton).
3. Plaintiffs' motion in limine to preclude legislative defendants from introducing evidence or testimony under the sword/shield doctrine is GRANTED. However, legislative defendants are not precluded from offering evidence from legislators who have not asserted legislative privilege.
4. Plaintiffs' motion in limine to limit intervenor defendants to live testimony from only one intervenor is DENIED, although the intervenor defendants are cautioned that the Court has authority to exercise reasonable control over the mode and order of interrogating witnesses and presenting evidence so as to make the presentation effective for the ascertainment of the truth and to avoid needless consumption of time
5. Plaintiffs' emergency motion to compel legislative defendants to produce revised calculations of Dr. Jeffery Lewis is GRANTED and responsive documents are to be produced no later than 10:00 a.m., July 15, 2019.